

FILED  
 UNITED STATES DISTRICT COURT OFFICE  
 DISTRICT OF MASSACHUSETTS

2005 FEB 24 A 11:34  
 CIVIL ACTION NO.:

JOHN C. DEMATOS, et al. )  
 Plaintiffs )  
 vs. )  
 MARSHALL S. HAZARD, et al. )  
 Defendants )

05-10372 PBS  
 RECEIPT # 62339  
 AMOUNT \$ 350.00  
 SUMMONS ISSUED N/A  
 LOCAL RULE 4.1 -  
 WAIVER FORM -  
 MCF ISSUED -  
 BY DPTY. CLK. M.P.  
 DATE 2/24/05

NOTICE OF REMOVAL

To: The Honorable Judges of the United States District Court for the District of  
 Massachusetts.

MAGISTRATE JUDGE JLA

Petitioners Marshall S. Hazard and General Transportation Service, the  
 defendants herein, respectfully state as follows:

1. The plaintiffs have commenced in the Bristol County Superior Court  
 Department of the Trial Court of the Commonwealth of Massachusetts a civil action for  
 damages against the defendants. The plaintiffs allege that the defendants were negligent  
 in the operation of a motor vehicle on January 17, 2002, causing the plaintiffs to sustain  
 personal injuries in a motor vehicle accident on Route 6 in Dartmouth, Massachusetts  
 on that date. Plaintiff DeMatos alleges that he sustained two fractures of the spine,  
 fractures of C4 and C6 vertebrae, a severe concussion, brain swelling, and other  
 injuries. Plaintiff DeMatos claims medical expenses thus far of \$29,156.12, and that he  
 is still treating. Plaintiff Arruda claims her injuries include a left arm ligament strain, a  
 rotator cuff injury, friction burns to the left leg, and injuries to the lower back. Her  
 medical bills allegedly total \$14,144.88.

2. At the time of the commencement of this action in a court of the  
 Commonwealth of Massachusetts, and at the time of the filing of this Notice of  
 Removal, the plaintiffs, upon information and belief, are and have been citizens of the

Commonwealth of Massachusetts. At the time of the commencement of this action in a court of the Commonwealth of Massachusetts, and at the time of the filing of this Notice of Removal, defendant Marshall S. Hazard, upon information and belief, is and has been a citizen of the State of Rhode Island, and defendant General Transportation Service is and has been a foreign corporation with a principal place of business in Liverpool, New York.

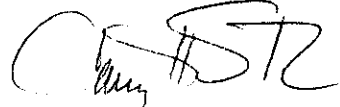
3. On or about January 27, 2005, service of the Summons and Complaint was made on the defendants. True copies of the Summons, Complaint, and Civil Action Cover Sheet, are attached hereto as Exhibits 1-4 respectively. The defendant has not been served with any other process, pleadings, or orders in this action.

4. This is a controversy of which the United States District Court has original jurisdiction pursuant to 28 U.S.C. § 1332 in that this is a civil action where the matter in controversy exceeds the value of \$75,000, exclusive of interest and costs, and is between citizens of different states.

WHEREFORE, your petitioners herein request this Court to assume full jurisdiction over the subject matter of the action herein, as provided by law.

The defendants,  
By their attorneys,

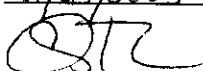
**MORRISON MAHONEY LLP**



---

Carey Hugh Smith, BBO #544622  
One Chestnut Place  
10 Chestnut Street, Suite 470  
Worcester, MA 01608  
(508) 757-7777

I hereby certify that a true copy of the above document was served upon ~~(each party appearing pro se and)~~ the attorney of record for each ~~(other)~~ party by mail (by hand) 2/23/2005.



12-7-05; 1:22PM;

14012948536

# 17 9

Form #42

## COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

SUPERIOR COURT DEPT. OF THE TRIAL COURT

CIVIL ACTION

No. C05-0036

[SEAL]

JOHN C. DEMATOS and  
KELLIE ARRUDA

, Plaintiff (s)

v.

MARSHALL S. HAZARD and  
GENERAL TRANSPORTATION SERVICES

, Defendant(s)

(TO PLAINTIFF'S ATTORNEY :

PLEASE INDICATE TYPE OF ACTION INVOLVED : —

~~TORT~~ — MOTOR VEHICLE TORT — ~~CONTRACT~~ —~~EQUITABLE RELIEF~~ — ~~OTHER~~.)

## SUMMONS

96 Hemlock RD Wakefield, MA 02879

TO THE ABOVE-NAMED DEFENDANT: Marshall S. Hazard, 7 Continental Street, Narragansett, RI

You are hereby summoned and required to serve upon Joseph H. Silvia, Esquire

SAULINO &amp; SILVIA, P.C.

plaintiff's attorney, whose address is 550 Locust St., Fall River, MA 02720;

an answer to the complaint which is herewith served upon you, within (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also required to file your answer to the complaint in the office of the Clerk of this Court at TAUNTON either before service upon plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13 (a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

Witness, Hon. Suzanne V. Del Vecchio, Adm. Justice of the Superior Court Dept. of the Trial Court, at Taunton, the 21st day of January, in the year of our Lord two thousand and five

*Mary Savelle Esq.*  
Magistrate

## NOTES.

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.
3. If the Commonwealth or an officer of agency thereof is a defendant, the time to be inserted is 60 days.

NOTICE TO DEFENDANT — You need not appear personally in Court to answer the complaint, but if you claim to have a defense, either you or your attorney must serve a copy of your written answer within 20 days as specified herein and also file the original in the Clerk's Office.

2- 7-05; 1:22PM;

4012548536

# 2/ 9

**PROOF OF SERVICE OF PROCESS**

I hereby certify and return that on \_\_\_\_\_, 20\_\_\_\_, I served a copy of the within summons, together with a copy of the complaint in this action, upon the within-named defendant, in the following manner (See Mass. R. Civ. P. 4 (d) (1-5) :

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Dated: \_\_\_\_\_, 20\_\_\_\_.

N.B. TO PROCESS SERVER: —

PLEASE PLACE DATE YOU MAKE SERVICE ON DEFENDANT IN THIS BOX ON THE ORIGINAL AND ON COPY SERVED ON DEFENDANT.

\_\_\_\_\_, 20\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS  
SUPERIOR COURT DEPT.  
OF THE TRIAL COURT  
CIVIL ACTION

No. C05-0036

JOHN C. DEMATOS and  
KELLIE ARRUDA

\_\_\_\_\_, Plaintiff (s)

v.

MARSHALL S. HAZARD and  
GENERAL TRANSPORTATION SERVICES

\_\_\_\_\_, Defendant (s)

SUMMONS  
(Mass. R. CIV. P. 4)

**COMMONWEALTH OF MASSACHUSETTS  
THE TRIAL COURT  
SUPERIOR COURT DEPARTMENT**

BRISTOL, ss.

FALL RIVER DIVISION  
CIVIL ACTION NO.: C05-0036

JOHN C. DEMATOS and, )  
KELLIE ARRUDA, )  
                    PLAINTIFFS, )

vs. )

COMPLAINT

MARSHALL S. HAZARD, and )  
GENERAL TRANSPORTION )  
SERVICE )  
                    DEFENDANTS )

1. Plaintiff, John C. DeMatos, is a natural person residing at 1770 Pleasant Street, Second Floor, Fall River, Bristol County, Massachusetts.
2. Plaintiff, Kellie Arruda, is a natural person residing at 1770 Pleasant Street, Second Floor, Fall River, Bristol County, Massachusetts.
3. Defendant, Marshall S. Hazard, is a natural person residing at 7 Continental Street, Narragansett, Rhode Island.
4. Defendant, General Transportation Services, is a Massachusetts business, with a place of business located at 51 Circuit Drive, North Kingston, Rhode Island.
5. At all times relevant hereto, the Defendant, General Transportation Services was the registered owner of the vehicle operated by Marshall S. Hazard on January 17, 2002 as hereinafter referenced in Paragraph #8 herein.

SAULINO &amp; SILVIA, P.C.

Attorneys at Law

550 LOCUST STREET  
FALL RIVER, MA 02720TELEPHONE  
(508) 875-7770FACSIMILE  
(508) 875-7771

2- 7-05; 1:22PM;

14012948538

# 4/ 9

COUNT ONE

(DEMATOS v. HAZARD)

6. Plaintiff reaffirms, realleges, and reavers Paragraphs One through Six of this Complaint as though fully and completely set forth herein.

7. On or about January 17, 2002, the Plaintiff, John C. DeMatos, was operating an orange, 1990 Toyota box type truck, Arizona Registration #: AA71887, owned by U-Haul of Colorado, in an easterly direction in the left lane of Route 6, Dartmouth, Bristol County, Massachusetts.

8. On said date, the Defendant, Marshall S. Hazard, was also operating a white 2000 International truck, Rhode Island Registration #: 50821, owned by General Transportation Services, in an easterly direction in the right lane of Route 6, Dartmouth, Bristol County, Massachusetts, and so operated the motor vehicle in a negligent and careless manner so as to cause his motor vehicle to collide with the Plaintiff, John C. DeMatos' motor vehicle owned by U-Haul Company of Colorado.

9. As a result thereof, the Plaintiff, John C. DeMatos, was injured, and was forced to expend moneys for medical diagnosis and treatment, and has been caused to suffer great pain of mind and body.

**WHEREFORE**, Plaintiff, John C. DeMatos, demands Judgment against the Defendant, Marshall S. Hazard, together with costs and for such other and further relief as this Court deems meet and just.

SAULINO & SILVIA, P.C.

Attorneys at Law

550 LOCUST STREET  
FALL RIVER, MA 02720

TELEPHONE  
(508) 476-7770

FACSIMILE  
(508) 476-7771

**COUNT TWO****(DEMATOS v. GENERAL TRANSPORTATION SERVICES)**

11. Plaintiff, John C. DeMatos, reaffirms, realleges, and reavers Paragraphs One through Ten of this Complaint as though fully and completely set forth herein.

12. Defendant, General Transportation Services, at the time of the accident referred to in Paragraph #8 herein was the registered owner of the motor vehicle operated by the Defendant, Marshall S. Hazard.

13. Defendant, General Transportation Services, is the registered owner of the vehicle operated by the Defendant, Marshall S. Hazard, is presumptively liable for the injuries sustained by the Plaintiff, John C. DeMatos, pursuant to M.G.L. Ch. 231 §85A.

**WHEREFORE**, Plaintiff, John C. DeMatos, demands Judgment against the Defendant, General Transportation Services together with costs and for such other and further relief as this Court deems meet and just.

**COUNT TRHEE****(ARRUDA v. HAZARD)**

14. Plaintiff, Kellie Arruda reaffirms, realleges, and reavers Paragraphs One through Thirteen of this Complaint as though fully and completely set forth herein.

15. On or about January 17, 2002, the Plaintiff, Kellie Arruda, was a passenger in said motor vehicle being driven by John DeMatos and traveling in an easterly direction in the left lane of Route 6, Dartmouth, Bristol County, Massachusetts as referenced in Paragraph #7.

SAULINO & SILVIA, P.C.

Attorneys at Law

550 LOCUST STREET  
FALL RIVER, MA 02720

TELEPHONE

(508) 875-7770

FACSIMILE

(508) 875-7771

16. On said date, the Defendant, Marshall Hazard, was also operating a motor vehicle in an easterly direction in the right lane of Route 6, Dartmouth, Bristol County, Massachusetts, and so operated the motor vehicle in a negligent and careless manner so as to cause his motor vehicle to collide with the Plaintiff, John DeMatos' motor vehicle in which Defendant, Kellie Arruda, was a passenger.

17. As a result thereof, the Plaintiff, Kellie Arruda, was injured, and was forced to expend moneys for medical diagnosis and treatment, and have been caused to suffer great pain of mind and body.

WHEREFORE, Plaintiff, Kellie Arruda, demands Judgment against the Defendant, Marshall S. Hazard, together with costs and for such other and further relief as this Court deems meet and just.

#### COUNT FOUR

#### **(ARRUDA v. GENERAL TRANSPORTATION SERVICES)**

18. Plaintiff, Kellie Arruda reaffirms, realleges, and reavers Paragraphs One through Seventeen of this Complaint as though fully and completely set forth herein.

19. On or about January 17, 2002, the Plaintiff, Kellie Arruda was a passenger in said motor vehicle being driven by John DeMatos and traveling in an easterly direction, left lane of Route 6, Dartmouth, Bristol County, Massachusetts as referenced in Paragraph #7.

20. Defendant, General Transportation Services is the registered owner of the vehicle operated by the Defendant, Marshall S. Hazard, is presumptively liable for the injuries sustained by the Plaintiff, Kellie Arruda, pursuant to M.G.L. Ch. 231 §85A.

SAULINO & SILVIA, P.C.

Attorneys at Law

550 LOCUST STREET  
FALL RIVER, MA 02720

TELEPHONE  
(508) 675-7770  
FACSIMILE  
(508) 675-7771



2- 7-05; 1:22PM;

14012948536

# 7/ 9

21. As a result thereof, the Plaintiff, Kellie Arruda, was injured, and was forced to expend moneys for medical diagnosis and treatment, and have been caused to suffer great pain of mind and body.

**WHEREFORE**, Plaintiff, Kellie Arruda demands Judgment against the Defendant, General Transportation Services, together with costs and for such other and further relief as this Court deems meet and just.

**PLAINTIFFS DEMAND A TRIAL BY JURY AS TO ALL COUNTS.**

The Plaintiffs,  
By their attorneys,  
SAULINO & SILVIA, P.C.

BY: Joseph H. Silvia  
Joseph H. Silvia, Esquire  
BBO No. 552215  
550 Locust Street  
Fall River, MA 02720  
(508) 675-7770  
January 13, 2005

SAULINO & SILVIA, P.C.

Attorneys at Law

550 LOCUST STREET  
FALL RIVER, MA 02720

TELEPHONE  
(508) 675-7770

FACSIMILE  
(508) 675-7771

2-7-05; 1:22PM;

1012948538

# 87 2

<b>CIVIL ACTION COVER SHEET</b>	DOCKET NO.(S)  C05-0036	<b>Trial Court of Massachusetts Superior Court Department County: BRISTOL</b>
PLAINTIFF(S)  JOHN C. DEMATOS	DEFENDANT(S)  MARSHALL HAZARD and GENERAL TRANSPORTATION SERVICES	
ATTORNEY, FIRM NAME, ADDRESS AND TELEPHONE Joseph H. Silvia, Esquire 550 Locust Street, Fall River, MA 02720 Board of Bar Overseers number: 552215 (508) 675-7770	ATTORNEY (if known)  UNKNOWN	

**Origin code and track designation**

Place an x in one box only:

<input checked="" type="checkbox"/> 1. F01 Original Complaint	<input type="checkbox"/> 4. F04 District Court Appeal c.231, s. 97 & 104 (After trial) (X)
<input type="checkbox"/> 2. F02 Removal to Sup.Ct. C.231,s.104 (Before trial) (F)	<input type="checkbox"/> 5. F05 Reactivated after rescript; relief from judgment/Order (Mass.R.Civ.P. 60) (X)
<input type="checkbox"/> 3. F03 Retransfer to Sup.Ct. C.231,s.102C (X)	<input type="checkbox"/> 6. E10 Summary Process Appeal (X)

**TYPE OF ACTION AND TRACK DESIGNATION (See reverse side)**

CODE NO.	TYPE OF ACTION (specify)	TRACK	IS THIS A JURY CASE?
B03	Motor Vehicle Negligence and Personal Injury	( F )	( X ) Yes ( ) No

The following is a full, itemized and detailed statement of the facts on which plaintiff relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.

**TORT CLAIMS**  
(Attach additional sheets as necessary)

A. Documented medical expenses to date:	\$
1. Total hospital expenses .....	8,715.18
2. Total Doctor expenses .....	5,549.00
3. Total chiropractic expenses .....	0.00
4. Total physical therapy expenses .....	2,926.50
5. Total other expenses (describe) .....	11,965.44
<b>Subtotal</b>	<b>\$ 29,156.12</b>
B. Documented lost wages and compensation to date .....	\$ Unknown
C. Documented property damages to date .....	\$ 0
D. Reasonably anticipated future medical and hospital expenses .....	\$ Unknown
E. Reasonably anticipated lost wages .....	\$ Unknown
F. Other documented items of damages (describe) .....	\$ .....
G. Brief description of plaintiff's injury, including nature and extent of injury (describe) 2 fractures of the spine; fractures of C-4 and C-6 vertebra; severely bruised ribs; severe concussion; brain swelling; lacerations of the right side of the forehead and stitches to the right knee. Thus far, still treating for said injuries.	<b>TOTAL \$ 29,156.12</b>

**CONTRACT CLAIMS**  
(Attach additional sheets as necessary)

Provide a detailed description of claim(s):

N/A

**TOTAL \$ .....**

PLEASE IDENTIFY, BY CASE NUMBER, NAME AND COUNTY, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT

N/A

"I hereby certify that I have complied with the requirements of Rule 5 of the Supreme Judicial Court Uniform Rules of Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods."

Signature of Attorney of Record Joseph H. Silvia, Esquire DATE: 1-13-2005

2-7-05; 1:22PM;

14012048536

# 97 9

<b>CIVIL ACTION COVER SHEET</b>	DOCKET NO.(S)  C05-0036	<b>Trial Court of Massachusetts Superior Court Department</b> County: <u>BRISTOL</u>
PLAINTIFF(S)  KELLIE ARRUDA		DEFENDANT(S)  MARSHALL HAZARD and GENERAL TRANSPORTATION SERVICES
ATTORNEY, FIRM NAME, ADDRESS AND TELEPHONE Joseph H. Silvia, Esquire 550 Locust Street, Fall River, MA 02720  Board of Bar Overseers number: 552215 (508) 675-7770		ATTORNEY (if known)  UNKNOWN
Origin code and track designation		
Place an x in one box only:		
<input checked="" type="checkbox"/> 1. F01 Original Complaint	<input type="checkbox"/> 4. F04 District Court Appeal c.231, s. 97 & 104 (After trial) (X)	
<input type="checkbox"/> 2. F02 Removal to Sup.Ct. C.231,s.104 (Before trial) (F)	<input type="checkbox"/> 5. F05 Reactivated after rescript; relief from judgment/Order (Mass.R.Civ.P. 60) (X)	
<input type="checkbox"/> 3. F03 Retransfer to Sup.Ct. C.231,s.102C (X)	<input type="checkbox"/> 6. E10 Summary Process Appeal (X)	
TYPE OF ACTION AND TRACK DESIGNATION (See reverse side)		
CODE NO.	TYPE OF ACTION (specify)	TRACK IS THIS A JURY CASE?
B03	Motor Vehicle Negligence Personal Injury	(F ) (x ) Yes ( ) No
The following is a full, itemized and detailed statement of the facts on which plaintiff relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.		
TORT CLAIMS (Attach additional sheets as necessary)		
A. Documented medical expenses to date:		
1. Total hospital expenses		\$ 1,743.50
2. Total Doctor expenses		\$ 1,657.00
3. Total chiropractic expenses		\$ 7,027.49
4. Total physical therapy expenses		\$ 0..
5. Total other expenses (describe)		\$ 3,716.89
Pharmaceuticals, Ambulance and Quest Diagnostics	Subtotal	\$ 14,144.88
B. Documented lost wages and compensation to date		\$ 0..
C. Documented property damages to date		\$ 0..
D. Reasonably anticipated future medical and hospital expenses		\$ 0..
E. Reasonably anticipated lost wages		\$ 0..
F. Other documented items of damages (describe)		\$ .....
G. Brief description of plaintiff's injury, including nature and extent of injury (describe)		
Left arm ligament strain and rotator cuff injury; friction burns of the left leg; contusions to both legs and ankles; and, lower back strain/sprain.		\$ .....
		TOTAL \$ 14,144.88
CONTRACT CLAIMS (Attach additional sheets as necessary)		
Provide a detailed description of claim(s):		
N/A		
		TOTAL \$ ..... 0..
PLEASE IDENTIFY, BY CASE NUMBER, NAME AND COUNTY, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT		
N/A		
"I hereby certify that I have complied with the requirements of Rule 5 of the Supreme Judicial Court Uniform Rules of Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods."		
Signature of Attorney of Record <u>Joseph H. Silvia, Esquire</u>		DATE: 1-13-200

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED

NO CLERKS OFFICE

1. TITLE OF CASE (NAME OF FIRST PARTY ON EACH SIDE ONLY) John C. DeMatos v. [unclear]

2005 FEB 24 A 11:35

2. CATEGORY IN WHICH THE CASE BELONGS BASED UPON THE NUMBERED NATURE OF SUIT CODE LISTED ON THE CIVIL COVER SHEET. (SEE LOCAL RULE 40.1(A)(1)).

U.S. DISTRICT COURT  
DISTRICT OF MASS.    I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT.    II. 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820\*, 830\*, 840\*, 850, 890, 892-894, 895, 950.\*Also complete AO 120 or AO 121  
for patent, trademark or copyright cases  X   III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.    IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.    V. 150, 152, 153.

05-cv-10372 PBS

3. TITLE AND NUMBER, IF ANY, OF RELATED CASES. (SEE LOCAL RULE 40.1(G)). IF MORE THAN ONE PRIOR RELATED CASE HAS BEEN FILED IN THIS DISTRICT PLEASE INDICATE THE TITLE AND NUMBER OF THE FIRST FILED CASE IN THIS COURT.  
N/A

4. HAS A PRIOR ACTION BETWEEN THE SAME PARTIES AND BASED ON THE SAME CLAIM EVER BEEN FILED IN THIS COURT?

YES

NO X

5. DOES THE COMPLAINT IN THIS CASE QUESTION THE CONSTITUTIONALITY OF AN ACT OF CONGRESS AFFECTING THE PUBLIC INTEREST? (SEE 28 USC §2403)

YES

NO X

IF SO, IS THE U.S.A. OR AN OFFICER, AGENT OR EMPLOYEE OF THE U.S. A PARTY?

YES

NO

6. IS THIS CASE REQUIRED TO BE HEARD AND DETERMINED BY A DISTRICT COURT OF THREE JUDGES PURSUANT TO TITLE 28 USC §2284?

YES

NO X7. DO ALL OF THE PARTIES IN THIS ACTION, EXCLUDING GOVERNMENTAL AGENCIES OF THE UNITED STATES AND THE COMMONWEALTH OF MASSACHUSETTS ("GOVERNMENTAL AGENCIES"), RESIDING IN MASSACHUSETTS RESIDE IN THE SAME DIVISION? - (SEE LOCAL RULE 40.1(D)).YES X

NO

A. IF YES, IN WHICH DIVISION DO ALL OF THE NON-GOVERNMENTAL PARTIES RESIDE?EASTERN DIVISION X

CENTRAL DIVISION

WESTERN DIVISION

B. IF NO, IN WHICH DIVISION DO THE MAJORITY OF THE PLAINTIFFS OR THE ONLY PARTIES, EXCLUDING GOVERNMENTAL AGENCIES, RESIDING IN MASSACHUSETTS RESIDE?

EASTERN DIVISION

CENTRAL DIVISION

WESTERN DIVISION

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME Carey H. Smith, EsquireADDRESS One Chestnut Place, 10 Chestnut St., Ste 470, Worcester, MA 01608TELEPHONE NO. (508) 757-7777

JS-44 (Rev. 3/99)

## CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

John C. DeMatos  
Kellie Arruda

## DEFENDANTS

IN CLERKS OFFICE  
Marshall S. Hazard  
General Transportation Service

2005 FEB 24 AM 11:35

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

Bristol

County of Residence of First Listed

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

Joseph H. Silvia (508) 675-7770  
550 Locust Street  
Fall River, MA 02720

Attorneys (If Known)

Carry M. Smith (508) 675-7770  
One Chestnut Lane, One Chestnut St., Ste 470  
Worcester, MA 01608

## II. BASIS OF JURISDICTION

(Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☐ 3 Federal Question (U.S. Government Not a Party)  
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☒ 1 ☐ 1 DEF Incorporated or Principal Place of Business in This State ☐ 4 ☐ 4 DEF  
Citizen of Another State ☐ 2 ☒ 2 DEF Incorporated and Principal Place of Business in Another State ☐ 5 ☒ 5 DEF  
Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6 DEF

## IV. NATURE OF SUIT

(Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of <input type="checkbox"/> 160 Medicare Act <input type="checkbox"/> 170 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 180 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 190 Stockholders' Suits <input type="checkbox"/> 195 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395m) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIW C/DIW W (405(g)) <input type="checkbox"/> 864 SSD Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act		

## V. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION

(Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Defendants seek removal of case from Bristol Superior Court pursuant to 28 U.S.C. Section 1446. Jurisdiction is based on diversity, pursuant to 28 U.S.C. Section 1332.

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

## VIII. RELATED CASE(S)

(See instructions):

IF ANY

None

JUDGE

DOCKET NUMBER

DATE

2/23/2005

SIGNATURE OF ATTORNEY OF RECORD

Carry M. Smith

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE